

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

202

**CRM-M-22711-2020**

**Decided on : 05.10.2021**

Chiranji Lal

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

**(Through Video Conferencing)**

**PRESENT:** Mr. Akashdeep Sethi, Advocate  
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

Mr. P. S. Jammu, Advocate and  
Mr. Arpandee Narula, Advocate  
for the complainant-respondent No. 2.

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**VIKAS BAHL, J. (Oral)**

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case bearing FIR No. 290 dated 04.05.2020 under Sections 420, 406 IPC registered at Police Station Civil Lines, Sirsa, District Sirsa.

On 20.08.2020, when this matter came up before a Coordinate Bench of this Court, the following order was passed:-

*“Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.*

*Learned counsel contends that the petitioner has not been able to repay the money to the complainant on account of loss in business but he has transferred 1/3rd share of a plot owned by his wife in the name of the Panchayat for selling and repaying the money owed to the complainant and others. Learned counsel further states that in order to show his bonafide, the petitioner would arrange Rs.50,000/- and hand over the same to the complainant within one week from today by way of demand draft.*

*Notice of motion.*

*Mr. Manish Dadwal, AAG, Haryana, accepts notice on behalf of respondent No.1 while Mr. P.S. Jammu, Advocate puts in appearance on behalf of the complainant.*

*List on 03.10.2020.*

*Demand draft for Rs.50,000/- be handed over by petitioner to the complainant within one week from today. Petitioner is also directed to join investigation within one week from today and fully cooperate in the same. However, in the event of his arrest, the petitioner be released on ad interim pre-arrest bail subject to his furnishing bail bonds/surety to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions enumerated in Section 438(2) Cr.P.C., failing which the interim protection granted to him shall stand vacated.”*

A perusal of the above order would show that the plot in the name of the wife of the petitioner, to the extent of 1/3rd share, had been transferred in the name of the Panchayat for 'repaying the money owed to the complainant and others' and on the said basis, the Coordinate Bench of this Court had granted interim protection to the petitioner. Thereafter, the case was adjourned on 3 occasions and however, it has transpired that the said money has not been paid, although, the plot was already sold on 04.06.2019.

Learned counsel for the petitioner has submitted that earlier a complaint dated 02.12.2019 was filed by the brother of the complainant on similar allegations and on 18.12.2019, the Economic Fraud Control Wing, Sirsa had filed a detailed inquiry report and now, the present FIR has been registered. It is further submitted that the

petitioner is more than 63 years of age and thus, prays that the concession of anticipatory bail be granted to him.

Learned State counsel as well as learned counsel for the complainant have opposed the said bail application and have referred to the reply submitted by way of an affidavit of the Deputy Superintendent of Police, HQ, Sirsa and moreso, paragraph 7 to 9. The said paragraphs are reproduced hereinbelow:-

*“7. That during the petitioner joined investigation, he has specifically admitted that the amount of the complainant party are lying deposited with him but he shown ignorance about the figured amount. Further the accused/ petitioner admitted his signature on the writing dated 29.07.2017 regarding owing of Rs.4,15,000/- of the complainant party. The accused/petitioner refused to produce the Ledger./account book of the complainant Hari Singh. Hence in order to recover the necessary documents i.e. account books etc. pertaining to the complainant Hari Singh etc. and for the recovery of the remaining amount, custodial interrogation of the accused/ petitioner is necessary.*

*8. That it is further submitted that during investigation Virender Son of Shri Buta Singh, resident of Shop No. 16, Around Additional Mandi, Sirsa (ii) Kashmiri Lal son of Shankar Lal R/o Vill. Khuiyan Nepalpur (iii) Neelam wife of Shri Ved Parkash, Resident of 17 Around Additional Mandi, Sirsa (iv) Krishan Kumar son of Shri Shankar Lal, r/o Vill, Khuiyan Nepalpur (v) Kapil son of Shri Om Parkash, resident of Shop No.9A-SCF, Sirsa were joined. They have stated by way of their affidavits dated 30.05.2020 that whole affairs of the firms M/s Shankar Lal Kashmiri Lal and M/s Krishan Kumar Ved Parkash, Shop No. 34, Nai Anaj Mandi, Sirsa are under the control and supervision of the accused/petitioner.*

9. *That as per the so far investigation, ingredients of offence under Section 420/406/506/34 IPC are attracted against the petitioner, which render the accused/ petitioner for criminal liability and well established that the accused/ petitioner has grabbed the amount of the complainant party by committing breach of trust, out of his dishonest intention and has thus caused them wrongful loss to them. Hence the accused/petitioner is liable to be tried and punished for the offence of cheating and criminal breach of trust.”*

Further reference has been made to Annexure R-2/1 which is the sale deed which had been executed by the wife of the petitioner in favour of Harwinder Singh and the date of the said sale deed is 04.06.2019 i.e. prior to the statement made by the petitioner before this Court on 20.08.2020. It has further been submitted that in spite of the fact that more than 2 years have been lapsed since the said sale, not even a single penny has been paid to the complainant.

This Court has heard the learned counsel for the parties and has perused the paperbook.

The order dated 20.08.2020 passed by the Coordinate Bench, would show that the interim relief was granted to the petitioner on his argument that after the sale of the 1/3<sup>rd</sup> share of the plot owned by the wife of the petitioner to the Panchayat, the remaining money would be paid to the complainant. However, it has transpired that even prior to 20.08.2020, the petitioner had sold the said property on 04.06.2019 and a period of more than 2 years and 3 months has been passed and yet the petitioner has not complied with the statement/argument which was

raised by him before the Coordinate Bench as recorded in the order dated 20.08.2020.

Further, even as per the stand of the State, it has transpired that the petitioner admitted his signatures on the writing dated 29.07.2017 with respect to owing of Rs.4,15,000/- to the complainant party and he had refused to produce the ledger/account book pertaining to the account of the complainant.

Keeping in view the abovesaid facts and circumstances, moreso, the fact that the petitioner has not complied with the statement made by him on 20.08.2020, the present petition is dismissed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

**(VIKAS BAHL)**  
**JUDGE**

**05.10.2021**

*Mehak*

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No